

If your child was removed from your home

by the Department of Children and Family Services (DCFS), you are probably angry, worried, sad, and don't know who to turn to for answers or who you can trust.

This guide will try to answer some basic questions that you may have. If you have other questions or need information explained to you, you should always ask your attorney.

When someone makes a report that a parent is not properly caring for his or her child, Child Welfare at DCFS investigates.

If DCFS decides that a parent has placed his or her child in danger or did not protect the child from danger, it can ask a Judge to order the child to be taken away and placed with someone else. The Judge will listen to what DCFS says happened (without hearing your side of the story) and decide if the case is serious enough to remove your child. This is not the end of the case!

You have the right to an attorney who works for you, not the Court. Your attorney will represent you at all stages of the court process to give you advice, ensure you are notified of all hearings or meetings so that you can attend, prepare your defense, present witnesses, cross-examine the prosecution's witnesses, work to convince the Judge that any problems you may have had are now corrected, and try to get the

best outcome possible for you. If you cannot afford an attorney the Court will provide you with an attorney, but you may be asked to pay a \$40 application fee.

What are your responsibilities during the court process?

- Attend all court hearings and meetings
- Be sure that your attorney and caseworker have a current address and phone number for you at all times
- Notify your attorney of witnesses or evidence that help show that your child does not need to be removed from your home
- Ask your attorney if you have any questions about your rights, the allegations against you, or the court process
- Follow the orders of the Court
- Talk to your attorney about your Family Case Plan, so that your attorney can help you understand it, or try to get parts of it changed if it is not right for you



COMMON TERMS USED IN THIS GUIDE

Continued Custody Hearing – A hearing where DCFS must present to the judge evidence of abuse or neglect showing that the child needs to be removed from the home. The Continued Custody Hearing must occur within three days of your child's removal from your home.

Petition – Lists any allegations of abuse or neglect. If your child is removed from your home, the petition must be filed within 30 days of the Continued Custody Hearing.

Adjudication Hearing – The name of the trial in Juvenile Court. The Adjudication Hearing must start within 45 days of the filing of a petition.

Disposition Hearing – A hearing where the Judge will decide who should have custody of your child, or tells you what you need to do to get your child back.

Family Team Meeting – A meeting with DCFS employees, you, your attorney, and others where the Family Case Plan is written.

Family Case Plan – A plan telling you what you have to do to get your child back and how much time you have to do it.

Foster Care Review Hearing – A hearing, approximately three months after the disposition hearing, to make sure that you and the case worker are following the Family Case Plan.

Permanency Hearing – A hearing, approximately one year after the removal of your child, where the Judge will decide the permanent plan for your child, based on if you have successfully completed the requirements of the Family Case Plan.

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GUIDE TO THE COURT PROCESS



for

Parents
and **Guardians**
involved in

**Child in Need
of Care
Cases**



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This guide will answer some basic questions.

Court Hearing	When You Can Expect The Hearing
Continued Custody Hearing	Within three days of your child's removal
Petition	Filed within 30 days of the continued custody hearing
Adjudication Hearing	Must start within 45 days of the filing of a petition
Disposition Hearing	Occurs after the adjudication hearing
Family Team Meeting	Anytime
Foster Care Review Hearing	About three months after the disposition hearing
Permanency Hearing	About one year after your child was removed or sooner

Continued Custody Hearing

At the **Continued Custody Hearing** you and your attorney have the right to agree that your child is in need of care without admitting to any of the charges, or you can show evidence or call witnesses to show that your child does not need to be removed from the home. If you know of any evidence or witnesses you must tell your attorney about them before the hearing.

If you agree or if the Judge decides that your child should be placed with someone else until the **Adjudication Hearing** DCFS is required to place your child with a relative or with a friend, if one is willing to let your child stay there and if it is safe. You do not get the final say but you should let your attorney know about any relatives or friends who may be able to take custody of your child. If a suitable relative or friend is not available, your child

will be placed in a foster home that is certified by DCFS. You may be ordered to pay child support and will probably be given visitation while your child is out of your home.

You should let your attorney and the DCFS caseworkers know about any allergies or medications that your child is taking and about any upcoming doctor or school appointments.

Petition

Once the **Petition** is filed the Judge will schedule a hearing where you have the right to admit or deny these allegations. If you deny the allegations, the Judge will schedule another hearing for what is called an **Adjudication Hearing**. You should begin working with DCFS immediately to fix any of the problems that you can.

Adjudication Hearing

At the **Adjudication Hearing** you can agree that your child is in need of care or deny the allegations listed in the **Petition**. The State must produce witnesses who saw the things that are alleged in the **Petition**. If DCFS cannot prove the allegations

more than likely happened, you will get your child back immediately.

At the **Adjudication Hearing** you will have the right to call witnesses and show any evidence that might help your case, as well as cross-examine the State's witnesses. If you know of any evidence or witnesses you must tell your attorney about them before the hearing.

At the **Adjudication Hearing**, if you agree that the child is in need of care or if the Judge decides that your child was neglected or abused, your child will probably stay in the same place until the **Disposition Hearing** unless there's a reason to change your child's placement.

Disposition Hearing

At the **Disposition Hearing** the Judge may return custody to you outright, return custody to you under certain conditions, place your child with a relative or friend, or keep your child in foster care. If your child is not returned to you at this hearing you will still have an opportunity to win back custody of your child if you complete your **Family Case Plan**.



Family Team Meetings and Case Plans

After the **Family Team Meeting**, unless you have any questions or there are problems with your **Family Case Plan**, you should begin following the plan immediately. There may be several **Family Team Meetings** during your case. After one year, if you fail to comply with the **Family Case Plan** you could lose custody of your child forever.

Foster Care Review Hearing

At the **Foster Care Review Hearing** be sure to bring any evidence or witnesses that prove that you are following the **Family Case Plan**. Let your attorney know if you would like to request that changes be made to your **Family Case Plan**. The Judge may or may not order those changes, and if necessary, will schedule any additional review hearings.

Permanency Hearing

At the **Permanency Hearing**, if the Judge decides that you have sufficiently followed the **Family Case Plan** and it is safe for your child to return home, a plan will be developed to return your child home. If the Judge decides that your child cannot be safely returned home, the **Family Case Plan** may be changed to adoption or some other permanent arrangements outside of your home.